

AMENDED IN SENATE AUGUST 12, 1998

AMENDED IN SENATE JUNE 23, 1998

AMENDED IN ASSEMBLY MAY 14, 1998

AMENDED IN ASSEMBLY APRIL 21, 1998

AMENDED IN ASSEMBLY APRIL 13, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1951

Introduced by Assembly Member ~~Baea~~ *Hertzberg*

February 17, 1998

An act to ~~repeal and add Section 17921.9 of the Health and Safety Code, relating to buildings; amend Sections 56705 and 56706 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1951, as amended, ~~Baea~~ *Hertzberg*. ~~Buildings: CPVC piping~~ *Local government organization: petitions.*

(1) *The Cortese-Knox Local Government Reorganization Act of 1985 sets forth the procedures to be followed in the change in organization or reorganization of local governments generally. The act requires that, in cities with a population of more than 100,000 residents located in a county with a population of over 4,000,000, no petition for change of organization or reorganization may be accepted for filing unless the signatures thereon have been secured within 90*

days of the publication of the required notice and the petition is submitted to the executive officer for filing with 60 days after the last signature is affixed. If the petition is submitted for filing after 60 days after the last signature is affixed, the executive officer is required to file it as a public record without prejudice to the filing of a new petition.

This bill would provide that these provisions do not apply to a petition for a special reorganization, as defined, that the period for securing signatures for a petition for a special reorganization is 6 months, and that this provision is declaratory of existing law.

(2) Pursuant to the act, if the certificate of the executive officer shows the submitted petition for change of organization or reorganization to be insufficient, the executive officer is required to give notice immediately by certified mail of the insufficiency to the chief petitioners, if any, stating in what amount the petition is insufficient. A supplemental petition bearing additional signatures may be filed with the executive officer within 15 days of the notice of insufficiency.

This bill would permit the proponents of the petition, at their option, to collect signatures for an additional 15 days immediately following the statutory period allowed for collecting signatures without waiting for notice of insufficiency. It would specify that any proponent choosing to exercise this option may not file a supplemental petition as provided in existing law.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) Existing law, known as the State Housing Law, which is administered by the Department of Housing and Community Development and local enforcement agencies, generally regulates the construction, use, maintenance, and occupancy of buildings used for human habitation. Violations of the State Housing Law, or of the building standards published in the California Building Standards Code relating to the State Housing Law, are punishable as misdemeanors. Existing provisions of the State Housing Law provide that the provisions of the California Plumbing Code that do not authorize the use of chlorinated polyvinyl chloride (CPVC)~~

~~pipng within California do not apply to any local government that permitted the use of CPVC piping for potable water systems within its jurisdiction prior to January 1, 1996, and that CPVC piping be used in accordance with specified work practices and flushing procedures. These provisions of the State Housing Law relating to CPVC piping became inoperative on January 1, 1998.~~

~~This bill would repeal those existing provisions relating to CPVC piping, and would allow the use of CPVC plastic pipe and fittings for potable water piping systems within residential buildings if specified conditions are met. The bill would require the California Building Standards Commission to establish standards to ensure that carcinogens or reproductive toxins do not exceed 10 parts per billion in CPVC pipe, fittings, solvent, primer, or cement, and to adopt, jointly with the department, standards for the safe installation of CPVC. The bill would require the Chief of the Division of Occupational Safety and Health of the Department of Industrial Relations to report to the Legislature by January 1, 2003, regarding compliance with those CPVC installation standards. The bill would require local building officials to ensure compliance with specified requirements relating to CPVC system installation and testing, thereby imposing a state-mandated local program.~~

~~The bill would also provide that a contractor who fails to comply with these requirements would be subject to a \$500 civil fine for each dwelling unit in which a violation occurs, and would require local building officials to require contractors who install CPVC pipe to file a declaration certifying that the contractor has completed a required flushing of the plumbing system. Because a violation of these provisions would also be punishable as a misdemeanor, the bill would impose a state-mandated local program by creating new crimes.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other~~

~~procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: yes
no. State-mandated local program: yes no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 17921.9 of the Health and Safety~~

2 *SECTION 1. Section 56705 of the Government Code*
3 *is amended to read:*

4 56705. (a) Except as otherwise provided in
5 subdivision (b), no petition shall be accepted for filing
6 unless the signatures on the petition are secured within
7 six months of the date on which the first signature on the
8 petition was affixed and the petition is submitted to the
9 executive officer for filing within 60 days after the last
10 signature is affixed. If the elapsed time between the date
11 on which the last signature is affixed and the date on
12 which the petition is submitted for filing is more than 60
13 days, the executive officer shall file the petition in
14 accordance with Section 56709.

15 (b) (1) Notwithstanding subdivision (a), in cities
16 with a population of more than 100,000 residents ~~which~~
17 *that* are located in a county with a population of over
18 4,000,000, no petition shall be accepted for filing unless
19 the signatures thereon have been secured within 90 days
20 of the publication of the notice required pursuant to
21 Section 56700.5 and the petition is submitted to the
22 executive officer for filing within 60 days after the last
23 signature is affixed. If the elapsed time between the date
24 on which the last signature is affixed and the date on
25 which the petition is submitted for filing is more than 60

1 days, the executive officer shall file the petition in
2 accordance with Section 56709.

3 *(2) This subdivision shall not apply to a petition for a*
4 *special reorganization as defined in Section 56075.5.*
5 *Subdivision (a) shall apply to a special reorganization, as*
6 *defined in Section 56075.5, regardless of the number of*
7 *residents in the city or county in which signatures have*
8 *been secured on the petition. This paragraph is*
9 *declaratory of existing law.*

10 SEC. 2. Section 56706 of the Government Code is
11 amended to read:

12 56706. (a) Within 30 days after the date of receiving
13 a petition, the executive officer shall, if any processing fee
14 established pursuant to Section 56383 has been paid, cause
15 the petition to be examined and shall prepare a certificate
16 of sufficiency indicating whether the petition is signed by
17 the requisite number of signers.

18 ~~IF~~

19 *(b) (1) Except as provided in paragraph (2), if the*
20 *certificate of the executive officer shows the petition to*
21 *be insufficient, the executive officer shall immediately*
22 *give notice by certified mail of the insufficiency to the*
23 *chief petitioners, if any. That mailed notice shall state in*
24 *what amount the petition is insufficient. Within 15 days*
25 *after the date of the notice of insufficiency, a*
26 *supplemental petition bearing additional signatures may*
27 *be filed with the executive officer.*

28 ~~Within 10~~

29 *(2) Notwithstanding paragraph (1), the proponents of*
30 *the petition may, at their option, collect signatures for an*
31 *additional 15 days immediately following the statutory*
32 *period allowed for collecting signatures without waiting*
33 *for notice of insufficiency. Any proponent choosing to*
34 *exercise this option may not file a supplemental petition*
35 *as provided in paragraph (1).*

36 *(c) Ten days after the date of filing a supplemental*
37 *petition, the executive officer shall examine the*
38 *supplemental petition and certify in writing the results of*
39 *his or her examination.*

40 ~~A~~

(d) A certificate of sufficiency shall be signed by the executive officer and dated. That certificate shall also state the minimum signature requirements for a sufficient petition and show the results of the executive officer's examination. The executive officer shall mail a copy of the certificate of sufficiency to the chief petitioners, if any.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for proponents of special reorganization petitions currently in circulation to know the length of time during which signatures may be collected, it is necessary that this act take effect immediately.

~~Code is repealed.~~

~~SEC. 2. Section 17921.9 is added to the Health and Safety Code, to read:~~

~~17921.9. (a) Chlorinated polyvinyl chloride (CPVC) plastic pipe and fittings shall be allowed for use for potable water piping systems within a residential building in California.~~

~~(b) The use of CPVC pipe and fittings pursuant to subdivision (a) shall comply with all of the following requirements:~~

~~(1) The CPVC pipe, fittings, solvents, cements, and primers comply with all other requirements of the California Plumbing Code for use in a potable water system.~~

~~(2) No substance identified as a carcinogen or reproductive toxin pursuant to Section 25249.8 shall be permitted in CPVC pipe or fittings in amounts greater than 10 parts per billion.~~

~~(3) No substance identified as a carcinogen or reproductive toxin pursuant to Section 25249.8 shall be permitted in a solvent, primer, or cement used to join CPVC pipe or fittings in amounts greater than 10 parts per billion.~~

1 ~~(4) The Department of Housing and Community~~
2 ~~Development and the California Building Standards~~
3 ~~Commission, jointly, shall adopt standards for the safe~~
4 ~~installation of CPVC which shall, at a minimum, include,~~
5 ~~but shall not be limited to, both of the following:~~

6 ~~(A) When a worker is installing CPVC pipe in a~~
7 ~~substantially enclosed space, the work area shall be~~
8 ~~mechanically ventilated to provide a minimum air~~
9 ~~velocity of 100 lineal feet per minute. For purposes of this~~
10 ~~section, a substantially enclosed space includes, but is not~~
11 ~~limited to, any of the following:~~

12 ~~(i) A space that is enclosed overhead and on two or~~
13 ~~more sides.~~

14 ~~(ii) A ditch deeper than two feet below grade.~~

15 ~~(iii) A crawl space with three feet or less of vertical~~
16 ~~clearance, whether or not the crawl space is covered.~~

17 ~~(B) All workers while installing CPVC pipe shall wear~~
18 ~~protective gloves that are nonpermeable to solvents,~~
19 ~~primers, or cements for at least eight hours, using ASTM~~
20 ~~Standard Test Method F739-96.~~

21 ~~(5) When the CPVC plumbing system is completed~~
22 ~~and ready for pressure testing, all of the following~~
23 ~~requirements shall be met:~~

24 ~~(A) The system shall be filled and permitted to sit for~~
25 ~~at least one day. Then each cold water and hot water tap~~
26 ~~shall be flushed starting with the fixture (basin, sink, tub,~~
27 ~~or shower) closest to the water meter, and then each~~
28 ~~successive fixture toward the end of the system. Flushing~~
29 ~~should be continued for at least one minute or longer until~~
30 ~~water appears clear at each fixture.~~

31 ~~(B) The system shall be kept filled with water for at~~
32 ~~least one week and then flushed in accordance with the~~
33 ~~above procedures. The system shall be kept filled with~~
34 ~~water and not drained.~~

35 ~~(C) During a two week period before the premises are~~
36 ~~occupied, the hot water heater shall be turned on and the~~
37 ~~system shall be flushed once more. Commencing with the~~
38 ~~fixture closest to the hot water heater, the hot water tap~~
39 ~~shall be permitted to run until hot water is obtained. The~~
40 ~~time required to get hot water in a specific tap should be~~

1 ~~determined and then the cold water tap at the same~~
2 ~~location should be turned on for the same period of time.~~
3 ~~This procedure shall be repeated for each fixture in~~
4 ~~succession toward the end of the system.~~

5 ~~(e) The California Building Standards Commission~~
6 ~~shall establish testing, inspection, certification, labeling,~~
7 ~~and other standards to ensure that CPVC pipe, fittings,~~
8 ~~solvent, cement, and primers sold or installed in the state~~
9 ~~comply with paragraphs (2) and (3) of subdivision (b);~~
10 ~~and shall require that building officials in California~~
11 ~~approve only the installation of CPVC pipe, fittings,~~
12 ~~solvent, cement, and primers that comply with~~
13 ~~paragraphs (2) and (3) of subdivision (b).~~

14 ~~(d) It shall be the duty of each local building official to~~
15 ~~ensure compliance with subdivision (b) as follows:~~

16 ~~(1) The local building official, at a minimum, shall~~
17 ~~ensure compliance with paragraph (4) of subdivision (b)~~
18 ~~by either of the following means:~~

19 ~~(A) The local building official shall conduct one~~
20 ~~inspection at the site of each permitted installation of~~
21 ~~CPVC pipe during the time that workers are installing~~
22 ~~CPVC and file an inspection report regarding~~
23 ~~compliance with paragraph (4) of subdivision (b).~~

24 ~~(B) (i) The owner or contractor may contract with a~~
25 ~~qualified special inspector to conduct at least one special~~
26 ~~inspection at the site of each permitted installation of~~
27 ~~CPVC pipe during the time that workers are installing~~
28 ~~CPVC. The special inspector shall file an inspection~~
29 ~~report with the local building official and the owner or~~
30 ~~contractor regarding compliance with paragraph (4) of~~
31 ~~subdivision (b). The special inspector shall bring all~~
32 ~~discrepancies to the immediate attention of the~~
33 ~~contractor for correction, then if uncorrected, to the~~
34 ~~attention of the local building official. The special~~
35 ~~inspector shall submit a final signed report stating~~
36 ~~whether the work inspected was to the best of the special~~
37 ~~inspector's knowledge in conformance with the~~
38 ~~requirements of paragraph (4) of subdivision (b).~~

39 ~~(ii) For purposes of this subdivision, a qualified special~~
40 ~~inspector means a certified industrial hygienist as defined~~

1 by Section 20700 of the Business and Professions Code, a
2 certified construction inspector as specified in Section
3 18949.28 with a certification as a plumbing inspector, a
4 construction health and safety technician certified by the
5 American Board of Industrial Hygiene Board of Certified
6 Safety Professionals Joint Committee, or a Certified
7 Safety Professional certified by the Board of Certified
8 Safety Professionals.

9 (2) The Chief of the Division of Occupational Safety
10 and Health in the Department of Industrial Relations
11 shall file a report with the Legislature on or before
12 January 1, 2003, regarding compliance with the
13 requirements of paragraph (4) of subdivision (b).
14 Commencing January 1, 2003, in lieu of the inspection
15 requirements in paragraph (1), the local building official
16 may ensure compliance by conducting spot inspections or
17 individual inspections in response to complaints, unless
18 the report filed by the Chief of the Division of
19 Occupational Safety and Health required by this
20 paragraph finds that the requirements of paragraph (4)
21 of subdivision (b) have not been fully integrated as
22 standard operating procedures by the construction
23 industry, and, in that event, the requirements of
24 paragraph (1) shall remain in effect until January 1, 2005.

25 (3) The local building official, at a minimum, shall
26 ensure compliance with paragraph (5) of subdivision (b)
27 by requiring each contractor who installs CPVC pipe to
28 file with the local building official prior to occupancy a
29 declaration certifying that the flushing required by
30 paragraph (5) of subdivision (b) has been completed. A
31 person who certifies as true any material matter which he
32 or she knows to be false is guilty of a misdemeanor and
33 shall be punished by not more than six months in a county
34 jail, by a fine of not more than one thousand dollars
35 (\$1,000), or by both that fine and imprisonment.

36 (e) Any contractor who fails to comply with any
37 provision of subdivision (b) shall be liable for a civil fine
38 of five hundred dollars (\$500) for each dwelling unit in
39 which a violation occurs. Nothing in this section shall be
40 construed to affect the applicability of any existing law

1 ~~imposing liability on a manufacturer, distributor, retailer,~~
2 ~~installer, or any other person or entity under the laws of~~
3 ~~this state for liability.~~

4 ~~SEC. 3. No reimbursement is required by this act~~
5 ~~pursuant to Section 6 of Article XIII B of the California~~
6 ~~Constitution for certain costs that may be incurred by a~~
7 ~~local agency or school district because in that regard this~~
8 ~~act creates a new crime or infraction, eliminates a crime~~
9 ~~or infraction, or changes the penalty for a crime or~~
10 ~~infraction, within the meaning of Section 17556 of the~~
11 ~~Government Code, or changes the definition of a crime~~
12 ~~within the meaning of Section 6 of Article XIII B of the~~
13 ~~California Constitution.~~

14 ~~However, notwithstanding Section 17610 of the~~
15 ~~Government Code, if the Commission on State Mandates~~
16 ~~determines that this act contains other costs mandated by~~
17 ~~the state, reimbursement to local agencies and school~~
18 ~~districts for those costs shall be made pursuant to Part 7~~
19 ~~(commencing with Section 17500) of Division 4 of Title~~
20 ~~2 of the Government Code. If the statewide cost of the~~
21 ~~claim for reimbursement does not exceed one million~~
22 ~~dollars (\$1,000,000), reimbursement shall be made from~~
23 ~~the State Mandates Claims Fund.~~

24 ~~Notwithstanding Section 17580 of the Government~~
25 ~~Code, unless otherwise specified, the provisions of this act~~
26 ~~shall become operative on the same date that the act~~
27 ~~takes effect pursuant to the California Constitution.~~